

A BILL TO EXTEND PROGRAMS UNDER THE INDIAN
EDUCATION ACT THROUGH FISCAL YEAR 1985

MAY 16 (legislative day, MAY 14), 1984.—Ordered to be printed

Mr. ANDREWS, from the Select Committee on Indian Affairs,
submitted the following

REPORT

[To accompany S. 2619]

The Select Committee on Indian Affairs, to which was referred the bill (S. 2619) to extend programs under the Indian Education Act through fiscal year 1985, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

1. On page 2, line 6, strike out "(1)".
2. On page 2, line 7, strike out "\$7,200,000" and insert in lieu thereof "such sums as may be necessary".
3. On page 2, line 10, strike out "(1)".
4. On page 2, line 11, strike out "\$2,300,000" and insert in lieu thereof "such sums as may be necessary".
5. On page 2, line 13, strike "(1)".
6. On page 2, line 18, strike "\$1,000,000" and insert in lieu thereof "such sums as may be necessary".
7. On page 3, line 5, strike "\$3,000,000" and insert in lieu thereof "such sums as may be necessary".
8. On page 3, after line 6, insert the following new sections:

SEC. 6. Section 303(b) of the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241bb(b)) is amended to read as follows:

(b) In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this title, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 10 percent of the amount appropriated for payments on the basis of entitlements computed under subsection (a) of this section for that fiscal year,

for the purpose of enabling the Secretary to provide financial assistance to—

- (1) schools on or near reservations, or
- (2) schools located in the State of Alaska, which are not local educational agencies or have not been local educational agencies for more than three years, in accordance with the appropriate provisions of this title.

SEC. 7. Section 423(a) of the Indian Education Act (20 U.S.C. 385b(a)) is amended by inserting "psychology," after "medicine," in the second sentence.

PURPOSE

S. 2619, the Indian Education Act Reauthorization of 1984, would authorize and amend the programs under the Indian Education Act through fiscal year 1985.

BACKGROUND AND NEED

The Indian Education Act was enacted in 1972 and has been amended several times over the past 12 years. The most recent reauthorization extended the Act through September 30, 1984. The programs are now due to expire prior to the beginning of the fiscal year beginning October 1, 1984 (fiscal year 1985).

The Indian Education Act programs consist of several aspects. The Part A program is the largest and is the only Indian education supplemental program specifically for public school districts. Part A addresses the special educational and culturally related academic needs of Indian children enrolled in public elementary and secondary schools, and, also, in Indian-controlled schools. Grants are made on a formula basis to local educational agencies (LEAs/public schools). Indian-controlled schools, on or near reservations, receive grants, on a competitive basis, up to a total set-aside of 10 percent of the amount appropriated for the Part A formula program.

Part B of the Indian Education Act provides grants on a competitive basis to tribes, Indian organizations, institutions of higher education and individuals. Specific activities include: (1) planning, pilot and demonstration projects; (2) education service projects; (3) education personnel development projects; (4) fellowship awards in medicine, law, education, business administration, engineering and natural resources; and (5) resource and evaluation centers. Applications for Part B activities are reviewed by a panel of outside readers and agency program specialists. Awards are based on criteria specified in regulations.

Part C of the program provides grants to Indian tribes, organizations and institutions to address the adult educational needs of Indians. The program supports educational service projects designed to address locally identified needs of Indian adults. Part C also supports planning, pilot and demonstration projects designed to test and demonstrate innovative approaches to meet Indian adult educational needs.

The program administration component of the Act includes funding for staffing, travel and other administrative expenses of the Indian

Education office and the National Advisory Council on Indian Education (NACIE).

The Administration has requested funding for the Title IV, Indian Education Act programs in its budget for fiscal year 1985. The Administration has also requested that Congress reauthorize the programs for fiscal year 1985, under letter dated February 14, 1984, accompanied by a draft bill, copies of which are attached hereto as Exhibit A.

Reauthorization of the programs is necessary if the Congress is to have the authority to appropriate monies for the Indian Education Act of fiscal year 1985 and if the Administration is to have authority to expend the appropriated monies.

During the summer recess, the Committee intends to hold field hearings on the Indian Education Act programs. During these hearings, the Committee will take testimony from Indian educators, parents, and state education agency personnel in order to determine what changes, if any, are necessary to the legislation if it is to continue to address the educational needs of Indian people. These hearings will set the stage for a five year reauthorization of the Indian Education Act programs.

LEGISLATIVE HISTORY

S. 2619 was introduced on May 2, 1984, by Senator Andrews, at the request of the Administration. The bill was subsequently referred to the Select Committee on Indian Affairs for consideration. On May 9, 1984, the Committee held hearings on the bill, at which time it ordered the bill reported favorably, with amendments.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTE

The Select Committee on Indian Affairs, in open business session on May 9, 1984, by unanimous vote of a quorum present, recommends that the Senate pass S. 2619, as amended. These amendments are set forth in full at the beginning of this report. Their purposes are explained in the Section-by-Section Analysis that follows.

SECTION-BY-SECTION ANALYSIS

Section 1. This section provides that the title of this Act may be cited as the "Indian Education Act Reauthorization of 1984."

Section 2. This section reauthorizes Section 303(a)(1) of the Indian Elementary and Secondary School Assistance Act through fiscal year 1985.

Section 3. This section reauthorizes Section 1005(g) of the Elementary and Secondary Education Act of 1965 through fiscal year 1985 and authorizes such sums as may be necessary for specific part B programs for fiscal year 1985.

Section 4. This section reauthorizes Sections 422(c), 423(a) and 442(a) of the Indian Education Act through fiscal year 1985, and authorizes such sums as may be necessary for the Section 442(c) program.

Section 5. This section reauthorizes Section 316(e) of the Adult Education Act through fiscal year 1985 and authorizes such sums as may be necessary for the program through fiscal year 1985.

Section 6. This new section amends Section 303(b) of the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241bb(b)) by including schools located in the State of Alaska for eligibility for Section 303(b) program.

Section 7. This new section, amends Section 423(a) of the Indian Education Act (20 U.S.C. 3385b(a)) by including psychology as a field of study eligible for fellowship support.

COST AND BUDGETARY CONSIDERATIONS

The cost estimate for S. 2619, as amended, as provided by the Congressional Budget Office, is outlined below:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 15, 1984.

HON. MARK ANDREWS,
Chairman, Select Committee on Indian Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 2619, the Indian Education Act Reauthorization of 1984, as ordered reported by the Senate Select Committee on Indian Affairs, May 9, 1984.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ERIC HANUSHEK
(For Rudolph G. Penner, Director).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

MAY 15, 1984.

1. Bill number: S. 2619.
2. Bill title: Indian Education Act Reauthorization of 1984.
3. Bill status: As ordered reported by the Senate Select Committee on Indian Affairs, May 9, 1984.
4. Bill purpose: The purpose of this bill is to extend for one year the authorization for several Indian education programs. This bill is subject to subsequent appropriations action.
5. Estimated cost to the Federal Government:

[By fiscal year in millions of dollars]

| | 1985 | 1986 | 1987 | 1988 | 1989 |
|--|---------|-------|-------|-------|-------|
| Estimated authorization level: | | | | | |
| Grants to local education authorities (LEA)..... | 1,099.0 | ..... | ..... | ..... | ..... |
| Special projects..... | 7.6 | ..... | ..... | ..... | ..... |
| Resource and evaluation centers..... | 2.4 | ..... | ..... | ..... | ..... |
| Personnel development..... | 1.1 | ..... | ..... | ..... | ..... |
| Fellowships..... | 1.6 | ..... | ..... | ..... | ..... |
| Adult education..... | 5.2 | ..... | ..... | ..... | ..... |
| Total estimated authorization level..... | 1,116.9 | ..... | ..... | ..... | ..... |
| Total estimated outlays..... | 379.7 | 614.3 | 122.9 | ..... | ..... |

The cost of this bill falls in function 500.

Basis of estimate: This bill authorizes for 1985 all programs at such sums as may be necessary. CBO has estimated the authorization levels as indicated below. As noted below, the estimated amounts authorized for appropriations for grants to local education authorities (LEA) are considerably greater than the corresponding 1984 appropriations.

The Indian education grants to LEAs are based on the number of Indian children attending eligible schools and the per pupil cost. The Department of Education projects that schools will enroll 314 thousand students in 1985. The 1985 cost is estimated to be the U.S. weighted average of \$2,917. There is an additional 20 percent authorized to fund Indian-controlled schools and to fund special projects. The total 1985 authorized level is \$1.1 billion. Appropriations for this program were \$50 million in 1984.

The estimate of the Indian fellowships program assumes funding of the 200 fellowships authorized in the bill. The average cost in the 1984 level of \$7,500 adjusted for projected cost increases.

The estimated authorization levels for the special projects, the resource and evaluation centers, the personnel development grants, and the adult education grants all reflect the 1984 funding levels adjusted by the CBO projection of cost increases.

Estimated outlays assume full appropriation of estimated authorized levels and reflect the current program spending patterns.

6. Estimated cost to State and local governments: The grants to LEAs are the only grants to State and local governments. They have no federal matching requirements.

7. Estimate comparison: On May 11, 1984, CBO prepared a cost estimate on H.R. 11, as ordered reported by the House Committee on Education and Labor. That bill authorized \$1,146 million in 1985 for these Indian programs. H.R. 11 authorized these programs through 1989.

8. Previous CBO estimate: None.

9. Estimate prepared by: Deborah Kalcevic.

10. Estimate approved by: C. G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

REGULATORY IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 2619 will have no impact on regulatory or paperwork estimates.

EXECUTIVE COMMUNICATIONS

The Select Committee on Indian Affairs received the following statement from the Department of Education:

STATEMENT BY THE DEPUTY UNDER SECRETARY, DEPARTMENT OF
EDUCATION, FOR PLANNING, BUDGET AND EVALUATION, ON
INDIAN EDUCATION ACT REAUTHORIZATION

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE: It is a pleasure to be here with you again to discuss our proposal to

extend the Indian Education Act. As you know, the current authorization for this program expires on September 30, 1984. Thus, the Administration has submitted for the Congress' consideration a proposal to extend the authorization for one additional year, through September 30, 1985. Our budget request for fiscal year 1985 is for \$68,780,000, and our extension proposal would authorize funding of the Indian Education programs in fiscal year 1985 at that level.

On behalf of the Secretary, I wish to thank Chairman Andrews for introducing our proposal as S. 2619, the "Indian Education Act Reauthorization of 1984." We urge the Committee to approve the bill as it now stands and recommend prompt and favorable action from the Senate. Passage will enable us to carry out policies consistent with our fiscal year 1985 budget proposal to continue funding the Indian Education Act programs.

Our proposal would extend all of the separate components that make up the Indian Education Act through September 30, 1985. These parts are: section 303(a)(1) of the Indian Elementary and Secondary School Assistance Act; section 1005(g) of the Elementary and Secondary Education Act of 1965; sections 422(c), 423(a) and 442(a) of the Indian Education Act; and section 316(e) of the Adult Education Act.

At present, the Administration expects to propose new authorizing legislation for Indian Education along with its 1986 budget request. The 1986 request will be sent to the Congress in early February of next year. During the coming months, the Department intends to analyze existing programs, discuss and consult with Indian education and community groups, and review available research and evaluation studies to identify ways of improving and simplifying the existing Act. We look forward to this challenge and also to the opportunity to work with this committee as we develop Indian education program policy beyond fiscal year 1985.

Assistant Secretary Lawrence Davenport is with me today as is Hakim Khan, the Acting Director of Indian Education Programs. We will be happy to answer any questions that you might have.

CHANGES IN EXISTING LAW

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, the Committee states as follows: It is the opinion of the Committee that it is necessary to dispense with the requirements of this subsection to expedite the business of the Senate.





